

HOUSE BILL REPORT

HB 1218

As Passed House:
March 6, 2013

Title: An act relating to department of fish and wildlife license suspensions.

Brief Description: Concerning department of fish and wildlife license suspensions.

Sponsors: Representatives Takko, Klippert, Blake, Orcutt, Kirby, Buys, Lytton, Goodman, Kretz, Van De Wege, Nealey, Hudgins, Wilcox, Stanford, Short, Warnick, Haigh and Ryu; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/30/13, 2/6/13 [DP].

Floor Activity:

Passed House: 3/6/13, 97-0.

Brief Summary of Bill

- Provides separate suspension time periods for violating a suspension of Washington Department of Fish and Wildlife (WDFW) privileges based on noncompliance with child support.
- Includes the taking of game fish under privileges that are permanently suspended for violating a "suspension of department privileges" in the first degree.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Blake, Chair; Lytton, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys, Dunshee, Haigh, Hurst, Pettigrew, Schmick, Stanford and Warnick.

Staff: Cherlyn Walden (786-7296).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Washington Department of Fish and Wildlife (WDFW) must revoke licenses, tags, and stamps issued under RCW 77.32 and suspend the associated privileges for any time period in which a person is certified by the Department of Social and Health Services or a court of competent jurisdiction as a person in noncompliance with a support order. If a person engages in any activity that is licensed by the WDFW and the person's privileges to engage in that activity were revoked or suspended by the WDFW or any court, then he or she is guilty of violating a "suspension of department privileges" in the second degree. A person is guilty of violating a "suspension of department privileges" in the first degree, if:

- the person engages in any activity that is licensed by the WDFW;
- the person's privileges to engage in that activity were revoked or suspended by the WDFW or any court; and
- the suspension of privileges violated was a permanent suspension, the person takes or possesses more than \$250 worth of unlawfully taken food fish, wildlife, game fish, seaweed, or shellfish, or the violation involves the hunting, taking, or possession of fish or wildlife classified as endangered or threatened or big game.

The WDFW will permanently suspend a person's privileges to engage in the hunting or fishing activity which violated the "suspension of department privileges" in the second degree upon conviction. A conviction for violating a "suspension of department privileges" in the first degree requires the WDFW to order a permanent suspension of all privileges to hunt, fish, trap, or take wildlife, food fish or shellfish. No distinction is made for suspensions or revocations based on noncompliance with a support order.

Summary of Bill:

The Washington Department of Fish and Wildlife (WDFW) must order a suspension of all of a person's privileges to hunt, fish, trap, or take wildlife, food fish, game fish, or shellfish for a period of two years if he or she violated a "suspension of department privileges" in the second degree and the violation was a child support-based suspension. The suspension period is four years if the suspension violation was in the first degree and a child support-based suspension. The suspensions issued for child support-based violations are in addition to any suspension required for the underlying fish or wildlife violation. If a person with a child support-based suspension completes his or her period of suspension for violating a "suspension of department privileges" but is still suspended for child support noncompliance, the person cannot hunt, fish, or engage in any activity regulated by the WDFW until he or she obtains a release from the Department of Social and Health Services and provides a copy of the release to the WDFW.

The taking of game fish is included in the list of privileges permanently suspended upon conviction for violating a "suspension of department privileges" in the first degree.

Penalties for violating a "suspension of department privileges."		
	Child support-based suspension	Other suspensions
Second Degree- person engages in any activity that is licensed by the WDFW and the person's privileges to engage in that activity was revoked or suspended by any court or the department.	Suspension of <u>all</u> the person's privileges to hunt, fish, trap, or take wildlife, food fish, game fish, or shellfish for a period of <u>two</u> years.	<u>Permanent</u> suspension of the person's privileges to engage in the hunting or fishing activities that he or she was engaged in when he or she violated a suspension of department privileges in the second degree.
First Degree	Suspension of <u>all</u> of the person's privileges to hunt, fish, trap, or take wildlife, food fish, game fish, or shellfish for a period of <u>four</u> years.	<u>Permanent</u> suspension of <u>all</u> of the person's privileges to hunt, fish, trap, or take wildlife, food fish, game fish, or shellfish.

Emphasis added.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The Washington Department of Fish and Wildlife is required to permanently suspend licenses of people in noncompliance of child support orders. The law as it stands now creates a disincentive to pay child support. This bill creates an incentive to pay child support because it provides the opportunity for those in noncompliance of support orders to regain their licenses.

(Opposed) None.

Persons Testifying: Bruce Bjork, Washington Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.